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AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

MICHAEL B. FJERSTAD

(Name of Plaintiff)

CASE NUMBER: C08-023-JCC-MJB

vs.

CIVIL RIGHTS COMPLAINT
BY A PRISONER UNDER 42
U.S.C. § 1983

SCOTT BACH

TYE HOLLAND

CITY OF SEATTLE

(Names of Defendants)



08-CV-00023-CMP

I. Previous Lawsuits:

A. Have you brought any other lawsuits in any federal court in the United States while a prisoner:

☒ Yes ☐ No

B. If your answer to A is yes, how many?: 3 Describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff MICHAEL B. FJERSTAD

Defendants ROBERT PALMQUIST / Mandamus
SCOTT BACH, et al. / Civil Rights / 1983
SCOTT BACH, et al.

2. Court (give name of District)

Western Division of Washington at Seattle

3. Docket Number C08-113-RAJ-JPD/C08-88-JCC-JPD

4. Name of judge to whom case was assigned known only by initials

5. Disposition (For example: Was the case dismissed as frivolous or for failure to state a claim? Was it appealed? Is it still pending?)

pending

6. Approximate date of filing lawsuit December 2007, January/February 2008

7. Approximate date of disposition unknown

II. Place of Present Confinement: Federal Detention Center - Seattle

A. Is there a prisoner grievance procedure available at this institution? ☒ Yes ☐ No

B. Have you filed any grievances concerning the facts relating to this complaint?

☐ Yes ☒ No

If your answer is NO, explain why not events took place outside of the BOP

C. Is the grievance process completed? ☐ Yes ☐ No

If your answer is YES, ATTACH A COPY OF THE FINAL GRIEVANCE RESOLUTION for any grievance concerning facts relating to this case.

III. Parties to this Complaint

A. Name of Plaintiff: Michael B. Ejerstad Inmate No.: 37730-086

Address: POB 13900, Seattle, WA 98198

(In Item B below, place the full name of the defendant, his/her official position, and his/her place of employment. Use item C for the names, positions and places of employment of any additional defendants. Attach additional sheets if necessary.)

B. Defendant Scott Bach; official position Detective/Officer; place of employment Seattle Police Department

C. Additional defendants Tye Holland, Seattle Police Detective/Officer
City of Seattle, a municipality of King County, State
of Washington.

IV. Statement of Claim

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates, places, and other persons involved. Do not give any legal arguments or cite any cases or statutes. If you allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.)

See attached


V. Relief

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

See attached

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 15 day of FEB, 28 2008


(Signature of Plaintiff)

IV. Statement of claims

1.) Defendants Scott Bach and Tye Holland, Seattle Police Detectives or officers, acted with deliberate indifference and under color of state law when they caused to be executed an invalid Search Warrant against Plaintiff's place of business and seized assets that led to the loss of the business. Defendants are sued in both their personal and official capacities.

2.) Defendant, the City of Seattle, is liable through its customs and policies used to train and supervise law enforcement personnel under its charge that allowed them to execute an invalid Search Warrant, and did so with deliberate indifference and under color of state law. Defendant is sued in its official capacity.

3.) On 7/25/07, Defendants Scott Bach and Tye Holland, acting as agents of Defendant, the City of Seattle, submitted an Affidavit For Search Warrant and Certification For Determination of Probable Cause - Narcotics for a business called Deluxe Auto Design located at 3708 Airport Way S., in the City of Seattle, King County, State of Washington.

4.) The resulting Search Warrant, signed by King County Superior Court Judge Michael J. Trickey, lists two items to be searched:

a.) the address of 3708 Airport Way S, in the City of Seattle and State of Washington. This is a business called Deluxe Auto Design.

b.) the person who is known as Michael B. Fjerstad and who has a date of birth as 02-09-1963.

5.) Defendants Scott Bach and Tye Holland, acting as agents of Defendant, the City of Seattle, along with a Combined Task Force, executed the Warrant at Deluxe Auto Design, 3708 Airport Way S., City of Seattle, State of Washington.

6.) Defendants Scott Bach and Tye Holland, acting as agents of Defendant, the City of Seattle, along with a combined Task Force, used the same Warrant to search Plaintiff's lawfully owned business, It's About Time, 3706 1/2 Airport Way S., Unit B., City of Seattle, State of Washington.

7.) Defendants Scott Bach and Tye Holland, acting as agents of Defendant, the City of Seattle, along with a combined Task Force, knew that they had already executed the Search Warrant at Deluxe Auto Design, 3708 Airport Way S. when they used the same Warrant to search It's About Time, 3706 1/2 Airport Way S., Unit B., both in the City of Seattle, State of Washington.

8.) No authorization to expand the Search Warrant was requested, nor was authorization to expand the Search Warrant given.

9.) Plaintiff was in custody at the time of the search and the Search Warrant was not executed against him.

10.) Defendants Scott Bach and Tye Holland, acting as agents of Defendant, the City of Seattle, along with a combined Task Force, destroyed doors and opened others in aid of their search then left those doors open and unsecured.

11.) Plaintiff claims that the combined actions of the Defendants outlined above violated his Constitutional rights to due process and equal protection under the Fourteenth Amendment to the United States Constitution.

12.) Plaintiff claims that the combined actions of the Defendants outlined above along with that of other members of the combined task Force, violated Plaintiff's due process rights under Article 1, § 3 of the Washington State Constitution.

13.) Plaintiff claims that the combined actions of the Defendants violated Plaintiff's above listed Constitutional rights in a wanton and malicious manner with callious disregard for truth and the administration of justice in violation of a federal civil RICCO and Washington State Criminal State Criminal Profiteering Act.

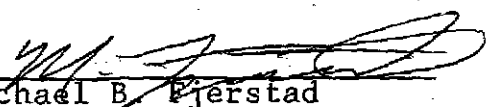
V. Relief requested

Plaintiff requests the following relief:

- a.) compensatory damages for the loss of his business at \$1.5 million dollars, \$80,000 in lost equipment when Defendants left the doors open and business untended after executing the Search Warrant, \$30,000 in confiscated property for a total of \$1,610,000;
- b.) emotional suffering and mental anguish of \$500,000;
- c.) punitive damages of \$2,000,000;
- d.) court costs;
- e.) attorney's fees;
- f.) treble damages under RICCO and the Washington State Criminal Profiteering Act;
- g.) any such further relief this Honorable Court deems just and proper.

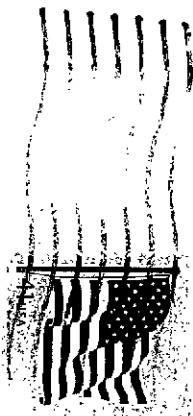
Dated: 2-15-08

By:


Michael B. Ejerstad
37730-086
Federal Detention Center
POB 13900
Seattle, Washington 98198

FEDERAL DETENTION CENTER
Name: FJENKSTAD
Reg # 37730-086 Unit: 6A
P.O. Box 13900
Seattle, WA. 98198-1090

LEONAL WILKES
WA 981
FEB 20 2008



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